

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14365 of Samuel J. and Sheila S. Lanahan, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a two story rear addition to a single family dwelling in an R-1-B District at premises 4851 Reservoir Road, N.W., (Square 1388, Lot 48).

HEARING DATE: December 11, 1985

DECISION DATE: December 11, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site known as premises 4851 Reservoir Road N.W. is located on the north side of Reservoir Road one lot east of its intersection with V Street. It is in a R-1-B District.

2. The subject site is an irregularly shaped quadrilateral with a frontage of 76.38 feet along Reservoir Road and an average depth of 54.29 feet. The rear property line measure 106.30 feet. The site slopes to the rear.

3. The subject site is improved with a two story, brick single family detached dwelling which was constructed in 1940. On May 12, 1958 the effective date of the current Zoning Regulations, the site became nonconforming.

4. The R-1-B District extends in all directions from the subject site. A C-2-A District is located approximately 200 feet northeast of the subject site.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicants are seeking a variance from the rear yard requirements (Sub-section 3304.1) to construct a two story rear additions to the subject structure.

6. Paragraph 8207.11 empowers the BZA to grant an area variance where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to the owner of such property provided such relief can be granted without substantial detriment to the public good and without

substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

7. Sub-section 3304.1 requires that a minimum 25 foot rear yard be provided in the R-1-B District. The proposed addition will provided a rear yard of 7.98 feet or 17.02 feet (68.08 percent) less than that required.

8. The additions proposed to the rear of the subject site at the main level will consist of a 333.62 square foot dining family room to the east, a 59.14 square foot garage access stair enclosure on the west and a 176.20 square foot open deck which will connect the additions and provided access to the rear yard.

9. On the second story above the proposed family/dining room addition a bedroom and bathroom are proposed.

10. Placing the proposed addition on the east side of the subject structure is not possible since a 25 foot wide easement exists on that side. No structures are allowed on the easement. There is only a five foot side yard to the west of the subject structure.

11. Because of the restricted building areas on the lot, the only usable part of the lot would be a triangular piece extending from the northeast corner of the house. An addition constructed in this space would be triangular in shape and would connect to the house only at one corner.

12. Because of interior circulation patterns, the rear yard is the logical place to locate the additions.

13. The dining/family room addition will be entered from the living room. The addition will permit the existing dining room to be used as an extension of the small antiquated kitchen.

14. The proposed bedroom and bath will be accessed by an existing hallway on the second floor.

15. The garage is attached to the residence with a common wall but is not accessible directly from the structure but only by the overhead door at the front of the garage. Construction of an enclosed stair connecting the garage to the residence would provide shelter from the weather and security at night.

16. The subject site is currently nonconforming and does not provide a 25 foot rear yard setback. The proposed addition will extend four feet farther into the rear yard than an existing enclosed porch now does.

17. The proposed additions will not be visible from the front of the property.

18. The rear yard of the subject structure is screened from adjacent properties by a heavy growth of trees and shrubs.

19. Owners of property on V Street adjacent to the subject site initially submitted letters to the record in opposition to the subject application. After reviewing the applicants plans both neighbors submitted letters to the record stating that they withdrew their objections to the proposed additions and that they now support the proposal. One of the property owners stated that he was certain that the addition will enhance the neighborhood generally without infringing on the property rights of others.

20. Advisory Neighborhood Commission 3D submitted no report on the subject application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicants are seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exception condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the application will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicants have met their burden of proof. The practical difficulty is inherent in the land because of its physical conditions as to shape. Because no structure can be construction on the 25 foot wide easement located on the east side of the subject structure and only a five foot wide side yard exists on the west the proposed addition can only be reasonably located in the rear yard. The Board notes that the heavy vegetation at the rear of the site acts as a screen for neighboring homes.

The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. Accordingly it is ORDERED that the application be GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Maybelle T. Bennett, Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

Cecil B. Tucker
CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER:

26 MAR 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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